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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/025,155	02/18/98	CRAGUN	B R09-97-195

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EXAMINER

BULLOCK JR, L

ART UNIT

PAPER NUMBER

2755

DATE MAILED:

11/26/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/025,155

Applicant(s)
Cragun, Brian John

Examiner
Lewis Bullock, Jr.

Group Art Unit
2755



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. New formal drawings are required in this application because of Draftperson's Review. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the Patent and Trademark Office no longer prepares new drawings.

Claim Rejections - 35 USC § 112

2. Claims 3, 11, and 19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has describe the steps of distinguishing and determining between a time-consuming link and an immediate link, but has not shown or described how these steps are performed.

3. Claims 4, 12, and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has claimed the automatically switching of focus only if the link is a time-consuming link, but has not shown or described how this step is performed.

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4. Claims 2, 10, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has claimed the additional step of automatically switching focus back to the communications application after a predetermined time period which contradicts the step of switching focus to the communications application in response to data being retrieved.

5. Claims 5, 13, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has claimed several steps of switching focus to the communications application that contradict each other.

6. Claims 6, 14, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the current and next applications to the communication and multitasking applications.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 9, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judson (US 5,737,619) in view of "Using Windows 95" by Person.

As to claim 1, Judson teaches a method in a computer within a computer network for automatically swapping application tasks (information object processing) running within said computer (client) when access from the computer (client) to a remote network site (web server) is delayed, the method comprising the steps of: initiating a link from a local network site (client) to a remote network site (web server) utilizing a communications application (browser); retrieving data (downloaded response/refresh of display) from the remote network site, in response to initiating the link; automatically switching focus from the communications application (browser) to a multitasking application (information object), in response to data being retrieved from the remote network site by the communications application; and switching focus back to the communications application, in response to the data being retrieved (Col. 5, lines 57-65; Col. 6, lines 15-28; Col. 6, lines 45-60). It would be obvious that a information object could be another application executing along side the communication application because the information object may be supported with the client itself (Col. 7, lines 15-18) and could also be an aural application

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to play a message (Col. 6, lines 46-51). However, Judson do not explicitly teach the communication application and the multitasking application simultaneously running.

Person teaches applications running simultaneously on a computer and the use of a command (Alt & Tab) to switch between applications (pg. 24, The Taskbar Makes it Easy to Switch between Applications). Therefore, it would be obvious to modify the teachings of Judson with the teachings of Person in order to facilitate management of applications.

As to claim 9, reference is made to a system which corresponds to the method of claim 1 and is therefore met by the rejection of claim 1 above.

As to claim 17, reference is made to a program product which corresponds to the method of claim 1 and is therefore met by the rejection of claim 1 above.

9. Claims 2-8, 10-16, and 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judson in view of Person as applied to claim 1 above, and further in view of Bakita (US 5,448,730).

As to claim 2, Judson and Person substantially disclose the invention above. However, neither reference teach the cited functionality. Bakita teaches the step of automatically switching focus between applications after expiration of a predetermined time period (time-out interval / correlated wait stage) (Col. 4, lines 10-36). Therefore, it would be obvious to one skilled in the

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art to modify the teachings of Judson with the teachings of Person and Bakita in order to facilitate a response with its corresponding requestor (Col. 2, lines 24-34).

As to claim 3, Judson teaches a plurality of servers in which links can be sent to (private Internet access provider / on-line service provider) and that the TCP request can be sent to a server even if that server is on the client computer (Col. 7, lines 6-10). It is well known that servers could be considered Intranet systems or Internet systems to a particular client. Therefore, it would be obvious that the client could connect to a intranet server (immediate link) or an Internet server (time-consuming link).

As to claim 4, Judson teaches that the information object is displayed when a client makes a TCP request (Col. 6, lines 13-28). It would be obvious that focus could be switched using a time-consuming link.

As to claim 5, Judson teaches the step of notifying a user that the data has been retrieved (Col. 6, lines 25-28). Person teaches the step of switching focus in response to user input (pg. 24, The Taskbar Makes It Easy to Switch between Applications).

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As to claim 6, Person teaches the steps of: switching focus in a ring of applications from a current application to a next application or maintaining the focus of the current application if a next application is unidentified (pg. 60, Troubleshooting).

As to claim 7, Judson teaches the client must first send the request to the web server by clicking on a link in order for the information object to be processed (Col. 6, line 13-15). It would be obvious that if a link is not clicked (pause) then the information object would not be processed (discontinued focus switching).

As to claim 8, Judson teaches the communication application is a browser application (Col. 4, line 1).

As to claims 10-16, reference is made to a system which corresponds to the method of claims 2-8 and is therefore met by the rejection of claims 2-8 above.

As to claims 18-24, reference is made to a program product which corresponds to the method of claims 2-8 and is therefore met by the rejection of claims 2-8 above.

As to claim 25, Official Notice is taken that signal bearing media is well known in the art and do not constitute a distinct patentable limitation.

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As to claim 26, Official Notice is taken that transmission media is well known in the art and do not constitute a distinct patentable limitation.

As to claim 27, Official Notice is taken that recordable media is well known in the art and do not constitute a distinct patentable limitation.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439.


MAJID A. BANARIKHAN
PRIMARY EXAMINER

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November 19, 1999